



## CRS Report for Congress

### The Kurds in Post-Saddam Iraq

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#### Summary

The Kurdish-inhabited region of northern Iraq is relatively peaceful and prospering economically, but the Iraqi Kurds' political autonomy and political strength in post-Saddam Iraq has caused growing threat perceptions in Turkey, Iran, and Arab Iraq. However, the Iraqi Kurds' ties to the United States and the U.S. drive to stabilize Iraq will likely enable the Kurds to parry the threats. This report will be updated. See CRS Report RL31339, *Iraq: Post-Saddam Governance and Security*, by Kenneth Katzman.

#### Pre-War Background

The Kurds, a mountain-dwelling Indo-European people, comprise the fourth largest ethnic group in the Middle East. Although their origins are believed to go back more than two millennia, they have never obtained statehood. An initial peace settlement after World War I held out hopes of Kurdish independence, but under a subsequent treaty they were given minority status in their respective countries — Turkey, Iran, Iraq, and Syria — with smaller enclaves elsewhere in the region. (See dark gray area of map). Kurds now number between 20 and 25 million, with an estimated 4 to 4.5 million in Iraq, roughly 15 to 20 percent of the Iraqi population. With a few exceptions, Kurds are Muslims of the Sunni sect and speak a language (consisting of several dialects) akin to Persian.

To varying degrees, Kurds have been persecuted in their countries of residence. Some Kurds would settle for autonomy, while others want independence. In legal terms, Kurds have had more national rights in Iraq than in any other host country. Successive Iraqi governments allowed limited use of the Kurdish language in elementary education (1931), recognized a Kurdish nationality (1958), and implemented limited autonomy for the Kurdish areas (1974), although in practice involving only those Kurds willing to accept direction from Baghdad. For the three decades that preceded the U.S.-led expulsion of Iraqi forces from Kuwait in 1991, an intermittent insurgency by Iraqi Kurdish militia (“*peshmerga*”) faced increasing suppression, particularly by Saddam Hussein’s regime.

For some years, Kurdish dissidence in Iraq was led by the Barzani clan, based northeast of Mosul. Their storied chieftain, the late Mulla Mustafa Barzani, founded the

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE <b>07 NOV 2007</b>		2. REPORT TYPE		3. DATES COVERED <b>00-00-2007 to 00-00-2007</b>	
4. TITLE AND SUBTITLE <b>The Kurds in Post-Saddam Iraq</b>				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>Congressional Research Service, The Library of Congress,101 Independence Ave, SE,Washington,DC,20540-7050</b>				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT <b>Same as Report (SAR)</b>	18. NUMBER OF PAGES <b>6</b>	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			

Kurdish Democratic Party (KDP) after World War II. As leader of the Kurdish rebellions against Baghdad, he rejected the Iraqi government's declaration of Kurdish autonomy in 1974,<sup>1</sup> but his renewed Kurdish revolt collapsed in 1975 when neighboring Iran, then led by the Shah, stopped supporting it under a U.S.-supported "Algiers Accord" with Iraq. Barzani, granted asylum in the United States, died in 1979, and leadership of his party ultimately passed to his son Masoud. Some years earlier, a younger, more urban and left-leaning group under Jalal Talabani emerged, and it broke with Barzani in 1964. In 1975, Talabani founded the rival group, the Patriotic Union of Kurdistan (PUK). The KDP and PUK have remained the dominant voices of the Iraqi Kurdish movement. Their differences center on leadership, power, control over revenue, and the degree to which to accommodate Baghdad. The KDP, generally more tribal and traditional, is strongest in the mountainous northern Kurdish areas, bordering Turkey. The PUK predominates in southern Kurdish areas, bordering Iran.

During the first few years of the 1980-1988 Iraq-Iran war, the Iraqi government tried to accommodate the Kurds in order to focus on the war against Iran. In 1984, the PUK agreed to cooperate with Baghdad, but the KDP remained opposed. During 1987-1989, the height of the Iran-Iraq war and its immediate aftermath, Iraq tried to set up a "cordon sanitaire" along the border with Iran, and it reportedly imprisoned, tortured, and forced resettlement of Kurds outside their area in a so-called "Anfal (Spoils) campaign," which some organizations say killed as many as 100,000 Kurds. (Human Rights Watch report, [<http://hrw.org/reports/1993/iraqanfal/ANFALINT.htm>].) Iraqi forces launched at least two lethal gas attacks against Kurdish targets in 1988, including the town of Halabja (March 16, 1988, about 5,000 killed). Iraqis denied the reports or justified these actions as responses to Kurdish support for Iranian forces.

Three years later, the allied campaign against Iraq following its invasion of Kuwait gave the Kurds an opportunity to launch another insurrection, which Iraqi forces succeeded in suppressing. However, U.S. and allied forces in mid-1991 instituted a no-fly zone over the northern Kurdish areas, enabling the Kurds to establish a de facto autonomy. In 1991, Kurdish leaders joined the Iraqi National Congress (INC), a U.S.-sponsored opposition group, and allowed it a presence in Iraqi Kurdish territory from which to launch operations against Saddam Hussein in the 1990s. The Iraqi Kurds maintained an administration in their enclave and held elections for a 105-member provisional parliament in 1992. The two principal Kurdish factions, the KDP and the PUK, each gained 50 seats, with the other five allocated to small Christian groups. No candidate received a clear majority in the concurrent presidential election, and Kurdish leaders subsequently agreed to rule jointly. On October 2, 1992, the Iraqi Kurdish parliament called for "the creation of a Federated State of Kurdistan in the liberated part of the country," although it added that "this federated state does not question the territorial integrity of Iraq...."<sup>2</sup> Iraq's leaders, however, feared that Kurdish demands for a federal system masked a quest for full independence, and adjacent states with large Kurdish populations such as Turkey, Iran, and Syria have shared this concern.

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<sup>1</sup> The government's so-called Law of Self-Rule (No. 33 of 1974) provided for limited governing institutions in some Kurdish regions but failed to garner widespread Kurdish support.

<sup>2</sup> Institut Kurde de Paris, no. 91-92. October-November 1992, p. 1.

In early 1994, the uneasy power-sharing arrangement between the KDP and PUK collapsed, and armed clashes broke out, initially over questions of land ownership but expanding to mutual accusations of theft of or refusal to share joint revenues. The nadir in PUK-KDP relations occurred in mid-1996, when the KDP briefly sought help from Saddam's regime in seizing Irbil, the seat of the regional Kurdish government, which the PUK had captured in 1994. The Kurdish regional authority effectively split into KDP and PUK entities. However, the United States, supported by Britain and Turkey, spearheaded negotiations that culminated in a meeting in Washington D.C. between Barzani and Talabani in September 1998, at which the two leaders agreed on steps toward a reconciliation. The so-called "Washington Declaration" was endorsed at the first session of a reconvened Kurdish parliament on October 5, 2002.

By mid-2002, the Kurds, along with other Iraqi opposition groups, had begun to calculate that the Bush Administration would overthrow Saddam Hussein militarily, and positioned themselves to capitalize on this prospect. In February 2003, opposition groups met in Kurdish-controlled territory in northern Iraq to form a "transition preparation committee," although these groups were disappointed by a subsequent U.S. decision to set up an occupation authority to govern Iraq after the fall of the regime, rather than immediately turn over governance to Iraqis.

## **The Immediate Post-Saddam Period**

Contrary to some fears, northern Iraq remained stable during the major combat phase of Operation Iraqi Freedom (OIF) and the Kurds welcomed the fall of Saddam Hussein in April 2003. However, they sought the early return of Iraq's sovereignty and broad advisory powers for a 25-person "Iraq Governing Council (IGC)" that was appointed in July 2003. On the IGC were Barzani and Talabani, along with three independent Kurdish leaders. In the transition government that assumed sovereignty on June 28, 2004, a top Barzani aide, Hoshyar Zebari, formally became Foreign Minister, and a top Talabani aide, Barham Salih (who was "Prime Minister" of the Kurdish regional administration prior to the U.S. invasion), became deputy Prime Minister. The high-level Kurdish participation marked the first time in Iraq's history that the Kurds had entered national politics on an equal footing with Iraq's Arab majority. This government operated under a March 8, 2004 "Transitional Administrative Law" (TAL) — a provisional constitution — that laid out a political transition process and citizens' rights — and contained provisions on the rights and privileges of the Kurds. Over the objections of Iraq's Shiite Muslim leaders, the Kurds succeeded in inserting a provision into the TAL that allowed citizens of any three provinces to vote down, by a two-thirds majority, a permanent constitution that was put to a public referendum by October 15, 2005. The Kurds constitute an overwhelming majority in Dohuk, Irbil, and Sulaymaniyah provinces, assuring them of veto power in that referendum. The Kurds also maintained their autonomous "Kurdistan Regional Government" (KRG), but the TAL did not give the Kurds immediate control of the city of Kirkuk, the capital of Tamim province.<sup>3</sup> It did allow for a compensation process to resettle Kurds expelled from Kirkuk by Saddam.

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<sup>3</sup> The text of the TAL can be obtained from the CPA website: [<http://cpa-iraq.org/government/TAL.html>].

The TAL gave the KRG was given powers to alter the application, in the Kurdish areas, of those Iraqi laws that do not relate to foreign policy, national security, national budgetary matters, and control of Iraq's natural resources. The KRG retained "regional control over police forces and internal security," thereby allowing the *peshmerga* to legally continue to operate. The approximately 75,000 total *peshmerga*, as the most pro-U.S. force in Iraq, have played a growing role in the coalition-trained Iraqi security forces. Although *peshmerga* fighters have been primarily deployed in Kurdish areas to ensure that the insurgency in Arab Iraq does not enter the north, the Kurdish leaders have permitted some *peshmerga* to join the national Iraqi Security Forces (ISF). The exact number of *peshmerga* in the ISF is not known, although some have served in the 2007 "Baghdad security plan," and others continue to serve in the northern cities of Mosul, Tal Affar, and Kirkuk. On May 30, 2007, formal security control over the three Kurdish provinces were handed from the U.S.-led coalition in Iraq to the ISF.

## Current Major Issues

There are several major interrelated issues of concern to the Kurds, some of which were addressed, in many ways to the benefit of the Kurds, in the permanent constitution, which was adopted in the October 15, 2005 referendum. Those same benefits, however, have both reflected and given the Iraqi Kurds substantial political strength in post-Saddam to the point where Iraq's neighbors now see the Iraqi Kurds as a substantial threat.

**Participation in the Central Government.** Although striving for maximum autonomy, the Kurds view participation in the post-Saddam central government as enhancing the major Kurdish interests. In late 2004, the KDP and PUK decided to ally into a "Kurdistan Alliance" for the three major elections in 2005. In the January 30, 2005, national elections, the KDP-PUK "Kurdistan Alliance" won about 26% of the vote, earning 75 National Assembly seats out of 275; and it won 82 seats in the 111-seat Kurdish regional assembly. On that strength, the main Kurdish parties engineered Talabani's selection as President of Iraq. The government elected in January 2005 chose the drafters of the permanent constitution. The Kurdistan Alliance showing in the December 2005 elections for a full term government was not as strong (53 seats), largely because Sunni Arabs participated. Nonetheless, Talabani remained President; Zebari stayed Foreign Minister, and Salih became deputy Prime Minister. Opting to solidify his political base in the Kurdish region rather than participate in national politics, Barzani, on June 12, 2005, was named "President of Kurdistan" by the Kurdish regional assembly. The "prime minister" of the KRG is Masoud Barzani's 43 year old nephew, Nechirvan.

**Autonomy and Independence.** The permanent constitution<sup>4</sup> retained all the Kurdish autonomy provided in the TAL and included the Kurds insistence on "federalism" — de-facto or formal creation of at least three regions, each with their own regional governments and substantial autonomy. In September 2007, the Senate endorsed the federalism concept for Iraq in an amendment to the FY2008 defense authorization bill (H.R. 1585). The permanent constitution recognizes the three Kurdish provinces of Dohuk, Irbil, and Sulaymaniyah as a legal region (Article 113) with the power to amend the application of national law on issues not specifically under national government

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<sup>4</sup> The text of the constitution is at [<http://washingtonpost.com/wp-dyn/content/article/2005/10/12/ar2005101201450.htm>].

purview; to maintain internal security forces; and to establish embassies abroad (Article 117). Arabic and Kurdish are official languages (Article 4). Kurdish leaders — possibly at odds with mainstream Kurdish opinion — have said that, for now, they would not push for independence. Until 2007, the Iraqi Kurdish leadership stance on independence had eased Turkish concerns to the point where Turkey had seemed to accommodate to the KRG and Turkish companies had become the major investors in the Iraqi Kurdish region, building malls and homes and creating prosperity and stability unknown in Arab Iraq to date.

**Kirkuk.** Kirkuk is considered an “explosive” issue because of the strong Iraqi Kurdish belief that the city and surrounding Tamim Province are “Kurdish” and must be incorporated into the territory administered by the KRG. At Kurdish insistence, the permanent constitution provides for a referendum to be conducted by December 31, 2007 (Article 140) to determine whether its citizens want to formally join the Kurdistan region. The Kurdish leaders consider this an “existential issue” that, if not implemented, could cause them to pull out of the national government. Still, the Bush Administration has tried to persuade the Kurds to accept a delay of the referendum at least until Iraq’s overall security situation has stabilized. While insisting that the referendum go forward as planned, the Kurds have not yet prepared for the referendum, such as meeting a July 31, 2007 deadline to furnish a list of eligible voters for the referendum. U.N. Assistance Mission-Iraq (UNAMI) officials are increasingly involved in this issue and say the Kurds might accept a delay of the referendum, perhaps until May 2008. The Iraq Study Group report, issued December 6, 2006, in Recommendation 30, says that the referendum on Kirkuk should be delayed.

As anticipated by analysts, communal violence appears to be increasing as the Kurds try to strengthen their position by settling Kurds in Kirkuk and attempting to expel the city’s Arabs (both Sunni and Shiite) and Turkomans. There appear to be an increasing number of violent incidents there in 2007, even as violence in other parts of Iraq has diminished as a result of the 2007 U.S. “troop surge.” The Kirkuk issue is also considered “existential” by Turkey, which fears that affiliation of Kirkuk to the KRG would give the Kurds enough economic strength to support a drive for independence. Kirkuk purportedly sits on 10% of Iraq’s overall proven oil reserves of about 112 billion barrels. In addition, there is a substantial Turkoman minority in Kirkuk who also claim a say about the city, and Turkey is said to be seeking to protect them. Iraqi Kurdish leaders assert that the late 2007 crisis with Turkey is more about Kirkuk and the overall Kurdish independence issue than it is about the Turkish Kurdish opposition issue discussed below.

**Control Over Oil Resources/Oil Laws.** Distrustful of central government control of Iraq’s oil revenues, the Iraqi Kurdish parties have played a major role in negotiating new oil laws. Iraq’s cabinet approved a draft version of a hydrocarbon framework law in February 2007. A related draft revenue law would empower the federal government to collect oil and gas revenue, and reserve 17% of oil revenues for distribution to the Kurdish regional government. On July 3, 2007, Iraqi Prime Minister Nuri al-Maliki announced that the cabinet had approved a final version of the framework law. Kurdish officials protested the changes and tentatively withdrew their support for the legislation. According to a *New York Times* report (September 13, 2007), agreement on the framework law has unraveled as the Kurds have signed development agreements with foreign partners, several of which are Turkish firms but also now include U.S.-based Hunt Oil and UAE-based Dana Gas. In apparent contravention of the views of both Sunni and

Shiite Arabs, the KRG passed its own regional oil law in August 2007, which Iraq's Oil Minister has called the Kurdish deals reached before passage of a national oil law "illegal." The parties are said to be trying to craft the national law to achieve overwhelming passage in the national parliament.

**Safehaven for Other Kurdish Opposition Fighters.** During 2007, Turkish concerns have been inflamed by the safe haven in northern Iraq for fighters from the Turkish Kurdish opposition Kurdistan Workers' Party (PKK). The KRG has, at times, such as the mid 1990s, fought the PKK, but many Iraqi Kurds view them as brethren and support the PKK struggle against Turkey. This makes it difficult for the Iraqi Kurds — particularly for Barzani whose strongholds contain the PKK fighters — to deny the PKK safehaven. Crisis loomed in June 2007, when Turkey began building forces (now about 100,000) at the border, and Barzani said that Iraq's Kurds could conduct attacks in Turkey's Kurdish cities if Turkey were to invade northern Iraq. The crisis escalated in September-October 2007 when PKK guerrillas killed about 40 Turkish soldiers and captured eight (later released). Iraq's Kurdish leaders strongly opposed an Iraqi Arab leadership effort to calm Turkey with a September 28, 2007 agreement to "cooperate" with Turkey on border security. Facing continuing losses, on October 17, 2007 the Turkish government obtained Turkish parliamentary approval for a possible major incursion into northern Iraq against the PKK — an action that brought stepped up U.S. diplomacy to head off a threat to the most stable region of Iraq to date. U.S. officials criticized the failure of the KRG to deny PKK safehaven and reportedly began sharing intelligence with Turkey on PKK locations. At the same time, U.S. officials said the United States does not have enough troops in Iraq to move to the north to combat the PKK. For now, the U.S. moves — emphasized at an Istanbul regional meeting on Iraq on November 2 and the visit of Prime Minister Recep Tayyip Erdogan to Washington D.C. on November 5 — appeared to have limited the prospects for an all-out Turkish ground incursion, although Erdogan says that has not been ruled out.

A related dispute, which appears to put Iran and Turkey on the same side, is Iran's shelling of border towns in northern Iraq that Iran says are the sites where the Party for a Free Life in Kurdistan (PJAK), an Iranian Kurdish separatist group, is staging incursions into Iran.



Source: Map Resources. Adapted by CRS. (KYancey 2/11/05)